

Property owner fined over \$60,000 for persistently not complying with removal order

A property owner was convicted and fined over \$60,000 at the Tuen Mun Magistrates' Courts last week for persistently failing to comply with a removal order issued under the Buildings Ordinance (BO) (Cap. 123).

The order involved an unauthorised structure of about 18 square metres in size at the garden of a house on Ping Kwai Road, Yuen Long. As the structure was erected without prior approval and consent from the Buildings Department (BD), a removal order was served on the owner under section 24(1) of the BO.

Failing to comply with the removal order, the owner was prosecuted by the BD in 2018 and was fined about \$6,600 upon conviction at the Tuen Mun Magistrates' Courts. However, the owner persisted in not complying with the removal order and the BD instigated prosecution against the owner for the second time. The owner was convicted again and fined \$61,000 on July 9.

"The BD will continue to take enforcement action against owners who have failed to comply with removal orders (including instigation of prosecution) so as to achieve a deterrent effect," a spokesman for the BD said today (July 16).

Pursuant to section 40(1BA) of the BO, any person who, without reasonable excuse, fails to comply with a removal order served on him under section 24(1) of the BO commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for one year, as well as a further fine of \$20,000 for each day that the offence continues.